

APPLICATION ACCEPTANCE POLICY

SPECIAL USE PERMIT

City of Wilmington
Development Services Department
Planning Division

PO Box 1810 | 305 Chestnut St.
Wilmington, NC 28402
Telephone 910.254.0900 | Fax 910.341.3264

The City of Wilmington understands that clear expectations make the application and development review processes easier for both applicants and staff. The policies outlined below will enable Planning Division staff to move the process along in a way that ensures that each application receives the attention it deserves. Staff desires to complete review of projects in an accurate and timely manner. Due to the volume of applications and public hearing schedules, working with incomplete materials detracts from the timely review of applications.

1. Applications are to be reviewed for completeness by staff prior to being officially accepted by the City for review. Applications that are dropped off or mailed in cannot be accepted without prior approval from the Planning Manager.
2. Checklists for each type of request are provided with each application package. If the application does not contain all required items on the checklist, it will be considered incomplete and shall not be accepted.
3. Upon determination by staff that an application is complete, it will be officially accepted by the Planning Division. Staff will complete an acceptance form and both staff and the applicant must sign the form. The application is not considered officially accepted until this form is signed by both the planner and the applicant. A copy of the signed form will be given to the applicant and a copy will be placed in the project file at the time of acceptance. Staff will not hold materials for incomplete applications.
4. Application fees must be paid at the time an application is submitted for acceptance.
5. In order to allow time to process fees, applications will not be accepted after 4:00 PM each day. On the deadline day for submittals, applications will not be accepted after 1:00 PM.
6. For your convenience, applicants may schedule an appointment with staff or may “walk-in” without an appointment. Please allow sufficient time to review the application package with staff.

The Planning Division staff looks forward to working with you during the application process. If you have questions or need further assistance, please call 254-0900.

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City of Wilmington, NC
Planning Division

P. O. Box 1810, 305 Chestnut St, Wilmington, NC 28402
Telephone: (910) 254-0900 FAX: (910)341-3264

Version 4.8.19

Section A. *APPLICANT INFORMATION*

Application is hereby made for a Special Use Permit to use the property at the address below for the indicated special use.

NAME OF APPLICANT/PETITIONER: _____

MAILING ADDRESS OF APPLICANT: _____

PHONE NUMBER/E-MAIL OF APPLICANT: _____

PROPERTY OWNER INFORMATION (If different from the applicant):

Name(s) _____

Address: _____

_____ ZIP _____

Telephone: _____ FAX: _____

E-Mail Address: _____

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the Special Use Permit request:

ADDRESS OF REQUESTED SITE: _____

NEW HANOVER CO. PROPERTY IDENTIFICATION # (PIN): _____

PROPOSED SPECIAL USE: _____

CURRENT ZONING DISTRICT(S): _____

TOTAL SITE ACRES/SQUARE FEET: _____

Special use permits add flexibility to the Land Development Code. Subject to high standards of planning and design, certain property uses may be allowed in several districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any adverse effects they might have on surrounding properties.

Authority to grant Special Use Permits is found in Section 18-79 of the Land Development Code pursuant to North Carolina General Statutes 160A-381. The Land Development Code requires that the City Council, when granting a Special Use Permit to find that all four of the following factors found in Section

18-85(6) exist. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to convince the City Council that it can properly reach the four required conclusions:

- a. **That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the special use permit;**
- b. **That the use meets all required conditions and specifications** (See Article 6 of the Land Development Code for special use prerequisites that must be met before a special use permit may be granted);
- c. **That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and**
- d. **That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the city's *Create Wilmington Compressive Plan* and adopted special area plans (e.g., corridor plans, neighborhood plans).**

Section B. *SUBMITTAL INFORMATION AND PROCEDURE*

- (1) Applications are due to the Planning division at least **60 working days prior to the regular meeting of the City Council** at which the application is to be considered. For stand-alone special use permits, this is typically the second City Council meeting of the month. For SUPs associated with a rezoning request, this is typically the first City Council meeting of the month.
- (2) The request for a special use permit must be reviewed by the technical review committee of the city of Wilmington before the application can be considered by City Council. Please consider that review time when submitting the application.
- (3) Supplementary information (see section C, below) is **REQUIRED** as part of the application.
- (4) The petition **MUST** be reviewed by the Planning Division for completeness **PRIOR** to the acceptance of any application or petition. Please **do not leave your application** materials without speaking to a planner. If you do, your application may not be processed and your request may not be considered at the next City Council meeting.
- (5) A fee in accordance with the approved fee schedule, payable to the city of Wilmington, must accompany the application.
- (6) The petitioner or their agent should appear at the scheduled City Council meeting. Meetings are held in the Council Chambers, City Hall, 102 N. 3rd Street. Petitioners will be informed of any change in date, time or location of meetings. **Applications and the required supplementary information must be received** in the Planning Division, 305 Chestnut Street, **60 working days before the City Council meeting** to allow time for processing and advertisement as required the North Carolina General Statutes.
- (7) An affidavit certifying at least one community meeting, to which notification was sent to property owners within 300 feet of the subject site, was held by the applicant must be submitted to the City Clerk prior to City Council's consideration of the request. If at least one community meeting is not held, an affidavit documenting efforts that were made to arrange such a meeting and why the meeting was not held
- (8) Conceptual site plan review by the city's technical review committee (TRC) is required for all special use permit applications. To avoid potential processing and scheduling delays, applicants are advised to have completed a conceptual review with the TRC prior to application submittal. If a conceptual review has not occurred at time of application, planning staff will automatically schedule the item for conceptual review at the next available TRC meeting.

Section C. *SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION*

- ☐ Agent form if the applicant is not the property owner;
- ☐ Detailed project narrative describing the proposed site and request;
- ☐ One 24" X 36" site plan and one 11" X 17" copy of the site plan (See Section D below for the minimum amount of information required on the site plan);
- ☐ List of the names of owners, their addresses, and the tax parcel numbers of the properties within 300 feet of the subject property, including those separated by a street right-of-way;

- ☐ One set of business-size envelopes pre-addressed to the property owners within 300 feet of the subject property with the Planning Division's return address. All envelopes must have sufficient postage and **metered postage must be undated**. The department account number, 2670-419, should be shown just below the return address. This will assure any returned letters will come to the planning department.
- ☐ Current to-scale copy of the NHC Tax Map delineating the subject property.

Section D. REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN

- ☐ The present zoning classification(s) of the tract;
- ☐ Adjoining property lines;
- ☐ The location, height, size and location of structure(s);
- ☐ Proposed use of land and structures.
- ☐ Building elevation drawings;
- ☐ Proposed planting areas including walls and fences and the treatment of any existing natural features;
- ☐ The names and deed references of current adjoining property owners;
- ☐ All existing easements, reservations, rights-of-way and all yards required for the special use and/or zoning district requested;
- ☐ General location of on-site utilities and proposed tie-in to existing public utilities (including water, sewer, culverts, drainage, etc);
- ☐ General location and type of stormwater facilities;
- ☐ Delineation of areas along streams on which the 100-year flood has been determined by the flood plain management regulations of the City of Wilmington;
 - For residential uses this shall include number of units and outline of area within which structures will be located.
 - For nonresidential uses, this shall include approximate square footage of structures and outline of area within which the structure(s) will be located;
 - Parking and circulation plan, showing location, arrangement and number of parking spaces and ingress and egress to adjacent areas;
- ☐ Proposed dimension and number of signs and their locations;
- ☐ Proposed phasing and approximate completion time of the project;
- ☐ Survey of regulated and significant trees and the number of those trees existing, proposed for removal and reasons why those trees will be removed;

OWNER'S SIGNATURE*: *In filing this application for a special use permit I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate _____ to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.*

Signature/Date: _____

DATE RECD:

PLANNER:

CASE FILE #:

FEE PAID \$:

**AFFIDAVIT OF COMMUNITY MEETING PRIOR TO PUBLIC HEARING
ON PETITION FOR SPECIAL USE PERMIT**

_____ (*please print*), appearing before the undersigned notary public
and being duly sworn, says that:

1. I have a legal interest in the property located at _____,
Wilmington, North Carolina, which is the subject property of a petition for special use permit to be heard
by City Council on the _____ day of _____, 20____.

2. A community meeting was scheduled on the _____ day of _____, 20 _____ with
regard to this petition.

3. I further certify that I notified all property owners within a 300-foot wide buffer of the property (*in
accordance with Chapter 18, Article 3, Section 18-118(c) of the Land Development Code*) prior to this
meeting.

4. The community meeting was, in fact, held on the _____ day of _____, 20____; (*or*)
The community meeting was not held because (*you must provide details of your attempts and why the
meeting was not held*):

(Affiant Signature)

STATE OF NORTH CAROLINA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20_____.

(Official Seal)

(Notary Public)

My commission expires: _____
(Printed Name of Notary Public)